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09/871,697	06/04/2001	Shinji Yoko	024607-5002	9086

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EXAMINER	
BOYCE, ANDRE D	

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/871,697	YOKO ET AL.	
	Examiner	Art Unit	
	Andre Boyce	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 June 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *8/03/01*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-35 have been examined.

Claim Objections

2. Claim 1 is objected to because of the following informalities: The claim has two (2) periods, at lines 6 and 8. Appropriate correction is required.

3. Claim 12 is objected to because of the following informalities: The claim is missing a period. Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

(1) whether the invention is within the technological arts; and

(2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful

arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter.

For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts. In the present case independent claim 1 includes the recited steps of defining major objectives, storing the major objectives in a database, defining minor objectives, etc. The storing of the major and minor objectives in a first and second database, respectively, is considered a nominal recitation of technology and does not overcome the rejection. Independent claim 9 only recites an abstract idea. The recited steps of defining a major objective, defining minor objectives, implementing the objectives, etc., does not involve, use, or advance the technological arts (i.e., computer, processor, electronically, etc.), since the steps could be performed using pencil and paper. Claims 2-8 and 10-14 are rejected based upon the same rationale as claims 1 and 9.

Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In the present case the claimed invention manages the major and minor objectives, and evaluates a manager's performance, thereby producing a useful, concrete, and tangible result, but not within the technological arts as explained above.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-3, 5-11, 14-16, 18, and 20-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Cardwell et al (USPN 6,895,403).

As per claim 1, Cardwell et al disclose a method for managing an objectives-based business plan (i.e., determination of the business purpose and strategy for the organization, column 5, lines 19-23), the method comprising the steps of: (a) defining major objectives according to one or more parameters (i.e., business objective of the business entity, column 2, lines 37-41); (b) storing said major objectives in a first database (i.e., informational database, column 2, lines 37-41); (c) defining minor objectives based on the major objectives, wherein said minor objectives are defined according to one or more parameters (i.e., creating project and associated project goals based on business objective, column 2, lines 47-51), (d) storing said minor objectives in a second database (i.e., second informational database, column 2, lines 47-51); and (e) managing said major objectives and

said minor objectives (i.e., allowing open access to and between the informational databases, column 2, lines 56-59).

As per claim 2, Cardwell et al disclose assigning each major objective to a manager (i.e., team leaders, column 6, lines 57-59).

As per claims 3 and 11, Cardwell et al disclose said major objectives include a goal and a plan for achieving said goal (column 5, lines 35-37).

As per claim 5, Cardwell et al disclose defining minor objectives based on one major objective (i.e., creating project and associated project goals based on business objective, column 2, lines 47-51).

As per claim 6, Cardwell et al disclose the steps of assigning each major objective to a manager and assigning each related minor objective to at least one member of the manager's team (i.e., authority level describes what each team member is responsible for, column 8, lines 51-53).

As per claims 7 and 14, Cardwell et al disclose tracking the major objectives and minor objectives (i.e., updating and tracking of deliverables related to project goals and objective, column 8, lines 55-59).

As per claim 8, Cardwell et al disclose having one or more managers implement said major objectives and having one or more members of the manager's team implement said minor objectives (i.e., executives create teams and team leaders to organize and direct business objectives, column 6, lines 57-61).

As per claim 9, Cardwell et al disclose method for managing an objectives-based business plan (i.e., determination of the business purpose

and strategy for the organization, column 5, lines 19-23), the method comprising the steps of; (a) defining major objectives according to one or more parameters (i.e., business objective of the business entity, column 2, lines 37-41); (b) defining minor objectives based on the major objectives, wherein said minor objectives are defined according to one or more parameters (i.e., creating project and associated project goals based on business objective, column 2, lines 47-51); (c) implementing said major objectives and said minor objectives, wherein each major objective is implemented by at least one manager and wherein said related minor objectives are implemented by at least one member of the at least one manager's team (i.e., executives create teams and team leaders to organize and direct business objectives, column 6, lines 57-61); (d) managing said major objectives and said minor objectives (i.e., allowing open access to and between the informational databases, column 2, lines 56-59); and (e) evaluating the at least one manager's performance in achieving said major objectives and evaluating the team members' performance in achieving the related minor objectives (i.e., evaluation criteria, based upon project deliverables, column 7, lines 63 and column 8, lines 43-45 and 54-55).

As per claim 10, Cardwell et al disclose having each manager responsible for a parameter propose a major objective and having senior management approve said major objectives (i.e., process allows upper management to have as little or much control as required, thus allowing team leaders to determine priorities, column 6, lines 64-67).

Claims 15 and 16 are rejected based upon the rejection of claims 1 and 3, respectively, since they are the system claims corresponding to the method claims.

As per claim 18, Cardwell et al disclose communication tools for exchanging information regarding said major objectives and said minor objectives (i.e., open access to and between the informational databases, column 2, lines 45-46).

As per claim 20, Cardwell et al disclose data management tools for tracking, measuring, and displaying content of said first database and said second database (i.e., open access to and between the informational databases including printout of screenshots as seen in figures 1-3).

As per claim 21, Cardwell et al disclose data management tools includes a management system for tracking administrative functions (i.e., allowing all levels of an organization to be aware of broad goals and priorities, column 11, lines 61-67).

As per claim 22, Cardwell et al disclose a financial indicator system for tracking the status of one or more sales indicators (i.e., financial performance results, Example A and figure 1).

As per claim 23, Cardwell et al disclose an inquiry system for tracking the status of one or more orders (i.e., tracking the status of measures and sub-measures, column 6, lines 46-48).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 4, 13, 17, and 24-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cardwell et al (USPN 6,895,403), in view of (Selling by Objective (SBO), May 1984).

As per claims 4 and 13, Cardwell et al disclose said parameters include a product, a territory, an application, and an account. SBO discloses an action plan based upon objectives and sub-objectives (¶ 24-25) and parameters of the objective including territory, product line, type of customer (i.e., account), and the specific type of operation (¶ 21-22). Both Cardwell et al and SBO are concerned with an action plan based upon objectives, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a product, a territory, an application, and an account in Cardwell et al, as seen in SBO, as an effective first step in determining your objectives, as disclosed by SBO (¶ 20).

Claim 17 is rejected based upon the rejection of claim 4, since they are the system claims corresponding to the method claims.

As per claim 30, Cardwell et al disclose a method for managing corporate objectives in multi-dimensional matrix (i.e., determination of the business

purpose and strategy for the organization, including multiple critical measures axes, column 5, lines 19-23 and figure 1), comprising the steps of prompting to input an actual performance including actual money or volume of sales performance and actual sales activities corresponding to said initial target for a predetermined term till predetermined due date by using a local and/or remote terminal (i.e., entering of critical measures, including current monthly net income in comparison to expectations, figure 1, and due dates of deliverables, figure 2); receiving said actual performance; storing said received actual performance in the database (i.e., updating informational database, column 2, lines 65-67); managing an achievement of the target by reading the said initial target and said actual performance (i.e., each measure is tracked indicating progress, column 6, lines 46-48) and selecting any one or more from said four axes and displaying said initial target and/or said actual performance along to the selected axis or axes on the local and/or remote terminal (i.e., selection of an account, i.e., Market Share in Garfield County, including financial performance results, figure 1).

Cardwell et al does not explicitly disclose storing an initial target including at least a sales goal and an action plan in a database in the form of multi-dimensional matrix consisting of four axes of a product, a territory, an application and an account. SBO discloses an action plan based upon objectives and sub-objectives (¶ 24-25) and axes of the objective including territory, product line, type of customer (i.e., account), and the specific type of operation (¶ 21-22). Both Cardwell et al and SBO are concerned with an

action plan based upon objectives, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a product, a territory, an application, and an account in Cardwell et al, as seen in SBO, as an effective first step in determining your objectives, as disclosed by SBO (¶ 20).

As per claim 31, Cardwell et al disclose managing a sales achievement by comparing said initial target with said actual performance corresponding to said initial target and based on this comparison sorting said initial target and/or said actual performance and displaying them on the local or remote terminal (i.e., each measure is tracked, wherein the current is compared to minimum, meets and exceeds, so executives can quickly track the issues, column 6, lines 47-50 and figure 1).

As per claim 32, Cardwell et al disclose the step of managing a sales achievement further comprises; changing a display style of said initial target and/or said actual performance based on said comparison and displaying them on the local and/or remote terminal (i.e., financial performance results, including current, minimum, meets, and exceeds, Example A and figure 1).

As per claim 33, neither Cardwell et al nor SBO explicitly disclose said actual performance further comprises a progress code, expressing progress status, including at least 'on the schedule', 'behind the schedule' and 'completed', and managing progress by displaying the said actual performance based on the said progress code and/or any one of said four axes on the local and/or remote terminal. However, this terminology is old

and well known in project management, therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include expressing progress status, including at least 'on the schedule', 'behind the schedule' and 'completed' in Cardwell et al, as an effective means of determining performance status.

As per claims 34 and 35, Cardwell et al disclose altering said initial target based on said actual performance and/or business trend (i.e., executive can view the organizational chart and decide to change one of the business priorities, column 12, lines 33-41).

Claims 24-29 are rejected based upon the rejection of claims 30-35, respectively, since they are the system claims corresponding to the method claims.

10. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cardwell et al (USPN 6,895,403), in view of Jannette et al (USPN 6,036,345).

As per claim 12, Cardwell et al does not explicitly disclose (a) having the at least one manager propose minor objectives for the at least one member of the manager's team; (b) having the at least one member of the manager's team propose minor objectives; and (c) finalizing said minor objectives. Jannette et al disclose product development, component assembly, and component teams, wherein each has design and engineering responsibility, thus determining it's own objectives. Both Cardwell et al and Jannette et al effective organizational management and Cardwell et al discloses the process

allowing the upper management to have as little or much input and control as required (column 6, lines 64-67), therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the team manager and members determining there own objectives in Cardwell et al, as seen in Jannette et al, as an effective means of empowering the individual team and team members.

11. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cardwell et al (USPN 6,895,403).

As per claim 19, Cardwell et al does not explicitly disclose an integrated e-mail tool that stores a message regarding a major objective or minor objective in the corresponding database. However, Cardwell et al disclose that any type of software or computer system that will allow information to be shared can be used (column 12, lines 21-24), wherein e-mail is an old and well-known means of communication. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include e-mail in Cardwell et al, as an effective means of communication.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Barnard et al (USPN 6714915) disclose deploying a general procurement application.

-Hintz et al (USPN 6907304) disclose measuring a relative utility for each of a plurality of goals.

-Myrick et al (US 2004/0143470) disclose an enterprise architecture.

-Spira et al (US 2002/0035495) disclose providing an assessment of services needed.

-Heckman et al (USPN 5875431) disclose a strategic planning control system.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571) 272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

adb
September 18, 2005

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